DOCUMENT RESUME

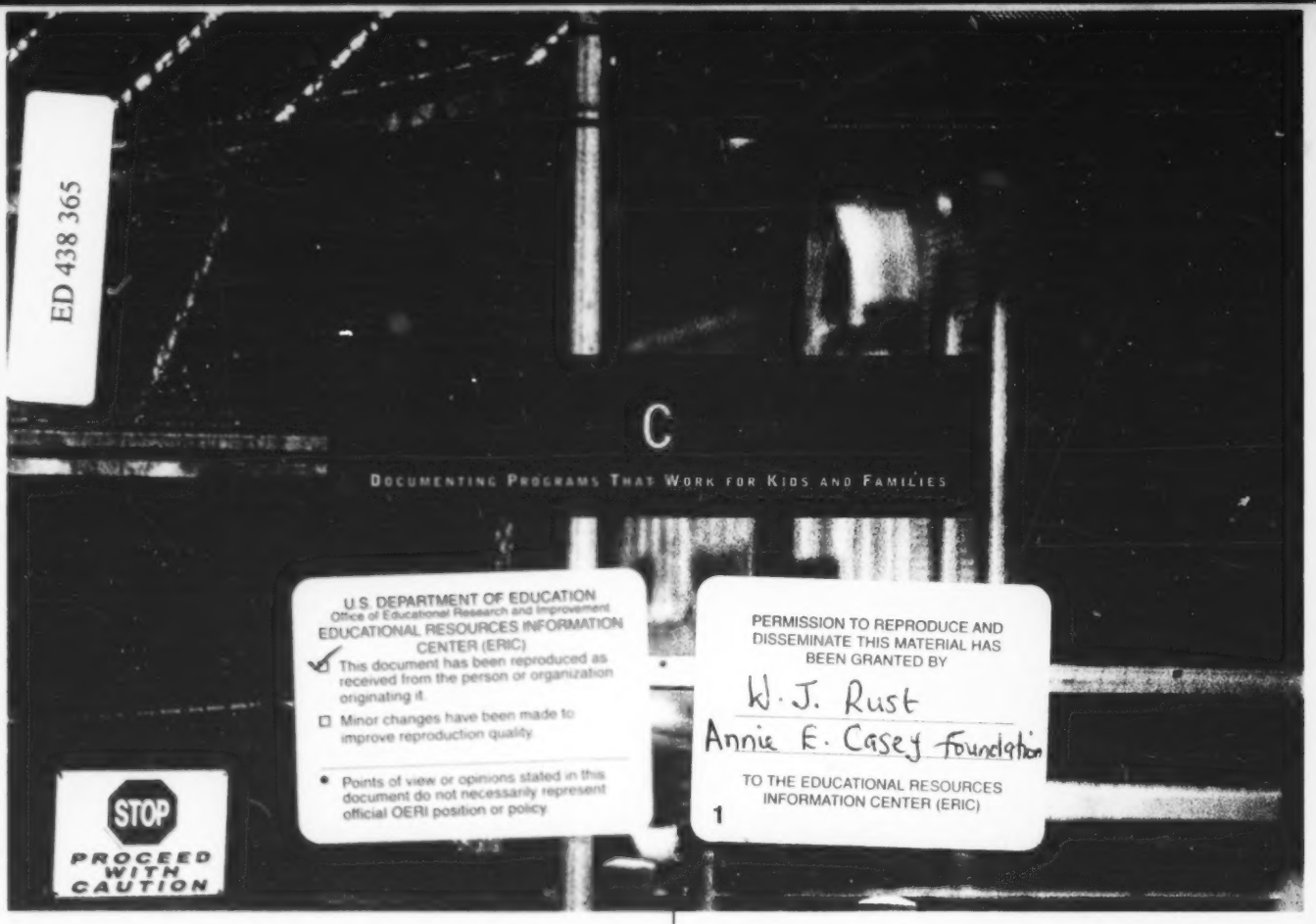
ED 438 365 UD 033 330

AUTHOR	Rust, Bill
TITLE	Juvenile Jailhouse Rocked: Reforming Detention in Chicago, Portland, and Sacramento.
INSTITUTION	Annie E. Casey Foundation, Baltimore, MD.
PUB DATE	1999-00-00
NOTE	17p.; Repri t of an article from AdvoCasey, v1 n3 Fall/Winter 1999.
AVAILABLE FROM	Annie E. Casey Foundation, 701 St. Paul Street, Baltimore, MD 21202. Tel: 410-547-6600; Fax: 410-547-6624. For full text: http://www.aecf.org.
PUB TYPE	Reports - Descriptive (141)
EDRS PRICE	MF01/PC01 Plus Postage.
DESCRIPTORS	Admission Criteria; *Adolescents; Cooperative Planning; *Delinquency; *Juvenile Justice; Minority Groups; Urban Areas; *Youth Problems
IDENTIFIERS	African Americans; California (Sacramento County); Illinois (Cook County); *Incarcerated Youth; *Juvenile Crime; Oregon

ABSTRACT

In 1992, the Annie E. Casey Foundation launched the Juvenile Detention Alternatives Initiative (JDAI), which sought to demonstrate that communities could improve their detention systems without sacrificing public safety. It awarded grants to five urban jurisdictions in order to: reach consensus among all juvenile justice agencies about the purpose of secure detention, and eliminate inappropriate or unnecessary use; reduce the number of alleged delinquents who fail to appear in court or commit a new offense; use limited juvenile justice resources in a more efficient manner by developing responsible alternatives to secure confinement; and improve conditions and alleviate overcrowding in secure facilities. The report reviews the work at three sites (Cook Co., Illinois; Portland, Oregon; and Sacramento, California). The use of JDAI's key detention reform strategies (collaborative planning and decision making, objective admissions practices, case processing innovations, and alternative programs) results in notable achievements in detention reform in all three localities. The report also discusses the sites' efforts to improve the conditions of confinement in detention centers and to reduce the disproportionate number of minorities incarcerated there. (SM)

Reproductions supplied by EDRS are the best that can be made
from the original document.


ED 438 365
C
DOCUMENTING PROGRAMS THAT WORK FOR KIDS AND FAMILIES
U.S. DEPARTMENT OF EDUCATION
Office of Educational Research and Improvement
EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
This document has been reproduced as received from the person or organization originating it.
Minor changes have been made to improve reproduction quality.
Points of view or opinions stated in this document do not necessarily represent official OERI position or policy
PERMISSION TO REPRODUCE AND DISSEMINATE THIS MATERIAL HAS BEEN GRANTED BY
W. J. Rust
Annie E. Casey Foundation
TO THE EDUCATIONAL RESOURCES INFORMATION CENTER (ERIC)
1
STOP
PROCEED WITH CAUTION

A PUBLICATION OF THE ANNIE E. CASEY FOUNDATION

A REPRINT FROM THE FALL/WINTER 1999 ISSUE

JUVENILE JAILHOUSE ROCKED

REFORMING DETENTION IN CHICAGO, PORTLAND, AND SACRAMENTO

BY BILL RUST

Each year hundreds of thousands of kids charged with delinquent acts are locked up in juvenile detention facilities. Between 1987 and 1996, the number of delinquency cases involving pretrial detention increased by 38 percent. Nearly 70 percent of children in public detention centers are in facilities operating above their design capacity. And according to a new report from the U.S. Office of Juvenile Justice and Delinquency Prevention, secure detention "was nearly twice as likely in 1996 for cases involving black youth as for cases involving whites, even after controlling for offense."[1]

[1] *Juvenile Offenders and Victims: 1999 National Report*, Howard N. Snyder and Melissa Sickmund, September 1999.

Of the many troubling facts about pretrial juvenile detention perhaps the most disturbing one is that many incarcerated youth should not be there at all. These are the kids who pose little risk of committing a new offense before their court dates or failing to appear for court — the two authorized purposes of juvenile detention. "When you talk to judges, prosecutors, or anyone involved in the juvenile justice system," says Bart Lubow, senior associate at the Annie E. Casey Foundation, "many of them say things like, 'We locked that kid up to teach him a lesson.' Or, 'We locked him up for his own good.' Or, 'We locked him up because his parents weren't available.' Or, 'We locked him up to get a mental health assessment.' None of these reasons are reflected in statute or professional standards."

In many jurisdictions, the problem of arbitrary admissions to detention is compounded by an

(continued on page 2)

(continued from page 1)

absence of alternatives to either locked confinement or outright release. Moreover, inefficient case processing by the juvenile justice system unnecessarily prolongs a young person's stay in confinement and increases overall detention populations, often to dangerous and unhealthy levels. According to Jeffrey Butts, a senior research associate at the Urban Institute who directed the OJJDP Delays in Juvenile Justice Sanctions Project, almost half of the nation's large jurisdictions take more than 90 days to dispose of cases — the maximum time suggested by professional standards of juvenile justice.

The inappropriate use of secure detention poses hazards for youth, jurisdictions, and society at large. Research indicates that detention does not deter future offending, but it does increase the likelihood that children will be placed out of their homes in the future, even when controlling for offense, prior history, and other factors. "Children who are detained, rather than let go to their parents or released to some other kind of program, are statistically much more likely to be incarcerated at the end of the process," says Mark Soler, president of the Youth Law Center. "If they are released, and they stay out of trouble, judges are more likely to let them stay released when it comes to disposition. If they are locked up until disposition, judges are more likely to keep them locked up afterwards."

For taxpayers, the financial costs of indiscriminately using secure detention are high. Between 1985 and 1995, the operating expenses for detention facilities more than doubled to nearly $820 million — a figure that does not include capital costs and debt service for constructing and remodeling detention centers. For public officials, the cost of overusing detention can include expensive and time-consuming litigation for overcrowded and inadequate conditions of confinement in their facilities.

"The Least Favorite Kids in America"

In December 1992 the Annie E. Casey Foundation launched the Juvenile Detention Alternatives Initiative (JDAI). Based in part on a successful detention reform effort in Broward County (Fort Lauderdale), Florida, JDAI sought to demonstrate that communities could improve their detention systems without sacrificing public safety. The Casey Foundation awarded grants to five urban jurisdictions,[2] each of which pursued four major objectives:

- to reach consensus among all juvenile justice agencies about the purpose of secure detention and to eliminate its inappropriate or unnecessary use;
- to reduce the number of alleged delinquents who fail to appear in court or commit a new offense;
- to use limited juvenile justice resources in a more efficient manner by developing responsible alternatives to secure confinement rather than adding new detention beds; and
- to improve conditions and alleviate overcrowding in secure detention facilities.

Three JDAI sites completed the initiative's implementation phase — Cook, Multnomah, and Sacramento counties — and each had notable achievements in detention reform. "Every measure we have suggests that in Chicago, Portland, and Sacramento, JDAI achieved significant reductions in detention admissions and significant improvements in the conditions of confinement," says Barry Krisberg, president of the National Council on Crime and Delinquency (NCCD) and primary author of the final evaluation of JDAI, scheduled for release in early 2000. "And there were no increases in either failure-to-appear rates or pretrial crime rates. In fact, JDAI seemed to make things better, because kids were now getting better pretrial supervision."

Despite the fairly straightforward case for improving pretrial detention policy and practice, reforming detention systems has proven very difficult. One reason

[2] Cook County, Illinois; Milwaukee County, Wisconsin; Multnomah County, Oregon; New York City; and Sacramento County, California.

THE JDAI APPROACH TO PRETRIAL DETENTION: SECURE CUSTODY FOR DANGEROUS YOUTH AND LESS RESTRICTIVE SUPERVISION FOR KIDS WHO POSE LITTLE RISK OF REOFFENDING OR FLIGHT.

is that diverse and autonomous juvenile justice agencies have to learn to work together in new ways. Another is that public safety and other politically charged issues embedded in detention reform are sensitive topics and sometimes immune to rational debate. A third reason is that adolescent youth who are charged with a crime, particularly kids of color, do not naturally attract public sympathy or attention. "These are the least favorite kids in America," says Mark Soler.

The report that follows is organized around JDAI's key detention reform strategies: collaborative planning and decision making, objective admissions practices, case processing innovations, and alternative programs. Also discussed are the sites' efforts to improve the conditions of confinement in detention centers and to reduce the disproportionate number of minorities incarcerated there. For more detailed analyses of the JDAI strategies and related topics, please refer to the Casey Foundation series *Pathways to Juvenile Detention Reform*, which began publication at the end of 1999 (see page 14).

Collaboration: "A Gut Check"

Perhaps the most critical JDAI strategy was the commitment to collaborative planning and decision making among the agencies that constitute the juvenile justice system — the judiciary, prosecution, defense bar, police, probation, and others. One reason collaboration was essential is that the term "juvenile justice system" is something of an oxymoron. The agencies involved in it have a high degree of fiscal and operational autonomy as well as differing cultures and constituencies. The judiciary, for example, has an

obligation to remain independent, and the roles of prosecutors and defense attorneys are, by definition, adversarial.

Despite their autonomy, juvenile justice agencies are also highly interdependent. In Cook County, for example, the county board of commissioners has legal responsibility for operating the juvenile detention center. The judiciary, on the other hand, decides which kids are sent there. Historically, such mutual interests were an insufficient inducement for Chicago's juvenile justice agencies to work together. "There was no collaboration prior to '94," says Michael Rohan, director of the county's Juvenile Probation and Court Services Department. "There were limited relationships between the agencies and players."

The collaborative environment was better in Sacramento, where juvenile justice agencies had worked together to address overcrowding in the county detention center, and in Portland, where the juvenile justice system was responding to a lawsuit over conditions of confinement in the juvenile lockup. Yet even in these jurisdictions, individuals and agencies still had a tendency to focus narrowly on their particular role in detention rather than on the overall system. "People have been doing things the same way for so long that getting them to reexamine the way you do business in juvenile court is very difficult," says Ingrid Swenson, a public defender in Multnomah County.

The Casey Foundation's JDAI grants, $2.25 million over three years for each site, were small compared to the budgets of the juvenile justice agencies in the three counties. The funds did, however, provide the opportunity for key stakeholders concerned about kids and their community to look at their system collectively, question one another, and, in the words of Talmadge Jones, former presiding juvenile court judge in Sacramento County, "examine whether our detention policies made real sense."

Such an examination prompted tough discussions within the collaboratives on such politically and emotionally charged issues as community safety, rights of the accused, and the most efficient use of public dollars. "We had some arguments, and we had some people storm out of meetings," recalls Michael Mahoney, president of the John Howard Association, a Chicago nonprofit organization that advocates for correctional reform. "But we kept it together."

A fundamental task of the collaboratives was to learn more about the kids in detention, what they were charged with, and how long they stayed. "We really didn't know who was in detention or why," says Rick Jensen, coordinator for the Detention Reform Project in Multnomah County. The challenge of learning more about a jurisdiction's detention population was invariably hampered by inadequate and fragmented data systems. "There was not an integrated management information system in 1994," says Michael Rohan of Cook County. "Every department in the juvenile justice arena had a separate database."

Once the sites had a better picture of their detention populations, members of the JDAI collaboratives were in a better position to start "asking the 'why' questions," says Bart Lubow. "Why is this group here? What are they charged with? What public policy purpose does that serve?"

"EVERY MEASURE WE HAVE SUGGESTS THAT IN CHICAGO, PORTLAND, AND SACRAMENTO, JDAI ACHIEVED SIGNIFICANT REDUCTIONS IN DETENTION ADMISSIONS AND SIGNIFICANT IMPROVEMENTS IN THE CONDITIONS OF CONFINEMENT. AND THERE WERE NO INCREASES IN EITHER FAILURE-TO-APPEAR RATES OR PRETRIAL CRIME RATES."

Although the legal basis for secure detention is narrow — to assure that young people appear in court and do not commit another offense — locked facilities are used for a broad range of purposes. One unauthorized use of pretrial detention is punishment — "a bite of the apple" — aimed at deterring future offending. There is little evidence that such an approach is effective and a great deal of research on the negative consequences of juvenile incarceration, particularly in overcrowded facilities. "Imposing punishment before a kid has been adjudicated is not legitimate," says Amy Holmes Hehn, the chief juvenile prosecutor in Multnomah County, "and I don't think it's constitutional."

Another unauthorized purpose of secure detention is its use as a 24-hour-per-day, seven-day-per-week dumping ground for children who have been failed by overburdened mental health and child welfare systems. In *Reforming Juvenile Detention: No More Hidden Closets*, Ira Schwartz, dean of the School of Social Work at the University of Pennsylvania, and William Barton, an associate professor at the Indiana University School of Social Work, write: "When families, neighborhoods, schools, and other programs no longer wish to deal with troubled children, the detention center is the one resource that cannot turn them away."

The struggle to reach consensus on the appropriate uses of pretrial detention forced members of the JDAI collaboratives to confront their philosophical and factual assumptions about detention. "It was doing a gut check on actual practices," says Cook County's Michael Rohan. "Had we somehow gotten to a point where we were holding kids who didn't need to be held?"

Admissions: "Yes or No?"

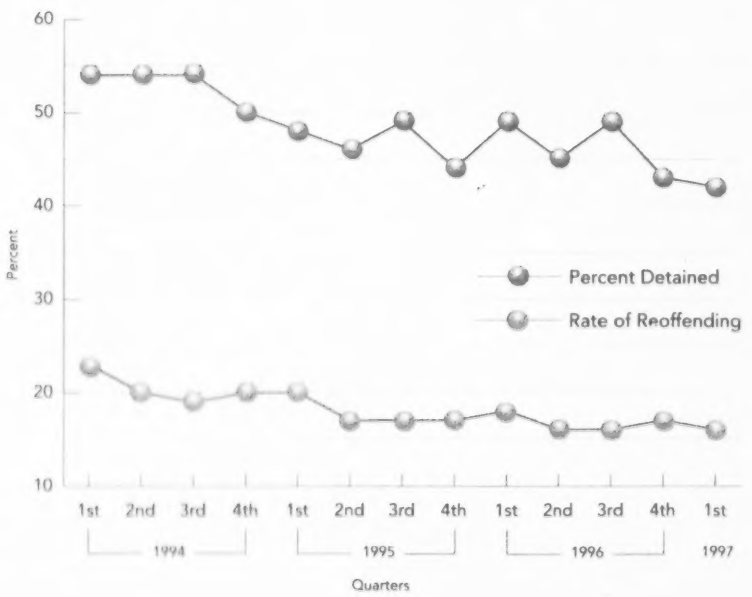
To make the consensus about pretrial detention operational, the JDAI sites had to develop objective policies and practices for admitting youth to secure confinement. As with the other detention reform strategies, each site developed its own tactics that reflected local values

BY THE NUMBERS

REDUCING DETENTION AND REOFFENDING IN SACRAMENTO COUNTY

JDAI seeks to demonstrate that jurisdictions can reduce the unnecessary and inappropriate use of secure juvenile detention without compromising public safety. In Sacramento, there have been decreases in both the percentage of alleged delinquents who were detained *and* the rate of reoffending by youth who were released to a parent or placed in an alternative program.

Source: Sacramento County Juvenile Justice Initiative Database



and conditions. "The fundamental issue about admissions," says Bart Lubow, "is changing arbitrary, subjective decisions to ones that are rational and objective and that make sense relative to the public policies you are trying to accomplish."

Eligibility Criteria. State or local admissions criteria define a jurisdiction's detention policy for police, judges, and intake staff at detention centers. "Admissions criteria are a cornerstone to any kind of detention reform, but they seem to be frequently overlooked," says Frank Orlando, director of the Center for the Study of Youth Policy at Nova Southeastern University Law School and a retired judge who led the detention reform effort in Broward County, Florida.

In 1989 the Florida state legislature adopted eligibility criteria for secure detention that were initially developed in Broward County. These guidelines limited locked detention to situations "where there is clear and compelling evidence that a child presents a danger to himself or the community, presents a risk of failing to appear, or is likely to commit a subsequent law violation prior to adjudication."

The legislation also specifically prohibited the use of secure pretrial detention for punishment or administrative convenience. In other words, young people charged with serious offenses could be detained, as well as youth who commit low-level offenses and have other charges or a record of failing to appear in court. All others — including kids charged with status offenses, traffic violations, and low-level misdemeanors — were to be given a court summons and returned to a parent or guardian, or delivered to a local social service agency. In the first three years after Florida's legislative detention reforms, annual admissions to secure detention statewide decreased by 13 percent.

Like many states, California has a somewhat vague detention admissions statute that, in the words of one JDAI participant, "would admit a ham sandwich to detention." To develop more specific eligibility criteria for Sacramento County, the Juvenile Justice Initiative (the local JDAI effort) looked at detention guidelines throughout the country, then developed its own criteria to determine who should be brought to juvenile hall. "Based on offense and some other factors, we provided a one-page check sheet for law enforcement officers out in the field," says Yvette Woolfolk, project coordinator for the Juvenile Justice Initiative. "It helps them decide if they should bring that minor in for booking, or if that minor can be cited and released back to the parents."

Buy-in from local law enforcement was an essential part of developing the eligibility criteria. John Rhoads, then superintendent of the Sacramento Juvenile Hall and currently chief probation officer in Santa Cruz County, recalls police concerns that no guideline could cover every contingency in the field. "If you ever feel in doubt with anybody, go ahead and bring him," Rhoads responded. "We won't argue with you. We'll do our regular intake, and maybe we'll release him. But at least you got him out of the area, and we'll do what we have to do."

"THE FUNDAMENTAL ISSUE ABOUT ADMISSIONS IS CHANGING ARBITRARY, SUBJECTIVE DECISIONS TO ONES THAT ARE RATIONAL AND OBJECTIVE AND THAT MAKE SENSE RELATIVE TO THE PUBLIC POLICIES YOU ARE TRYING TO ACCOMPLISH."

Objective Screening. "Risk-assessment instruments," or RAIs (pronounced "rays"), help probation officers, detention officials, and judges make objective decisions about detaining young people charged by police with delinquent acts: Who should be released to a parent or guardian? Who needs more formal supervision but could be served by an alternative

program in the community? Who is a risk to public safety and needs to be locked up?

Before JDAI, the screening process for detaining kids in Cook County was haphazard. "Probation officers would be called by a police officer and asked to

detain young people," says William Hibbler, a former presiding judge in the county's juvenile court and currently a federal judge. "The problem was that there were no objective standards for saying, 'Yes' or 'No.' If the officer was persuasive enough, the child would be locked up. If there was not room or the officer was not that persuasive, the child would not be locked up."

To make the detention screening process less arbitrary, each site developed RAIs that measure such variables as the seriousness of the alleged offense and the youth's prior record, probation status, and history of appearing for court. Administered by probation or detention-intake staff, RAIs classify whether a particular child is a low, moderate, or high risk to reoffend or fail to appear in court. The RAI score, in turn, helps determine the appropriate level of supervision a young person requires.

As jurisdictions gain experience with their screening instruments, they continue to adjust them. "If failure-to-appear rates are too high, analysis can indicate which factors deserve higher points," writes Judge Orlando in a monograph on admissions policy and practice. "Similarly, if rearrest rates are extraordinarily low, it probably means that the system is too risk averse."[5]

Multnomah County is on the third version of its RAI and working on a fourth. "We've been pretty happy with the risk-assessment instrument that we developed," says Portland prosecutor Amy Holmes Hehn. "It still needs some work and some tweaking, but our reoffense rate for kids that are out of detention, awaiting trial, is pretty low. I think it's in the 13 percent range. And our failure-to-appear rate is really low. It's about 7 percent."

Rick Lewkowitz, the chief juvenile prosecutor in Sacramento County, also believes his county's RAI is "working fairly well." Yet he cautions against the "robotic" use of the screening instrument. As an example, he cites a first offense for a residential burglary, which might score relatively low on the RAI. The arresting officers, however, had information that the burglary was gang related and its purpose was to acquire guns. "It's such a serious offense and serious circumstances," says Lewkowitz, "that public safety requires [secure detention]."

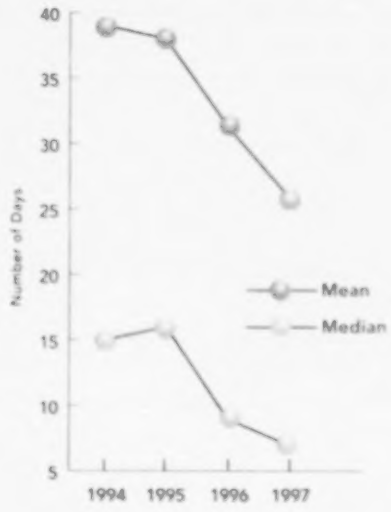
Case Processing: "A New Way of Doing Business"

More efficient case processing is an administrative strategy to reduce unnecessary delays in each step of the juvenile justice process — arrest by police, referral to court intake, adjudication (judgment), and disposition (placement). For detained youth, prompt case processing reduces the time individual juveniles stay in secure detention and, consequently, overall detention populations. Efficient case processing also provides benefits in pretrial cases that are not detained. "When an arrest for an alleged offense is followed by months of inaction before disposition, the juvenile will fail to see the relationship between the two events," writes D. Alan Henry, executive director of

[5] "Controlling the Front Gates: Effective Admissions Policies and Practices," Frank Orlando, Vol. 3, *Pathways to Juvenile Detention Reform*, Annie E. Casey Foundation.

By the Numbers

Improving Case Processing in Multnomah County



More efficient case processing is an administrative strategy to reduce unnecessary delays in each step of the juvenile justice process. The goal is a better system of juvenile justice, not just a quicker one. Multnomah County, a jurisdiction with a national reputation for prompt courts, has used a variety of techniques to reduce further case processing time for detained youth.

Source: Multnomah County TJIS Database

the Pretrial Services Resource Center in a monograph on case processing. "Any lesson that might be learned about accountability and responsibility is lost."[4]

In Cook County, nearly 40 percent of the alleged delinquents who were issued summons in 1994, rather than detained, failed to appear for their court dates. One reason for this high rate was the typical eight-week interval between issuing a summons and the actual court date. By collectively analyzing the problem and discussing possible solutions, the JDAI project in Chicago made a few, relatively simple changes in case processing that reduced failure-to-appear rates by half.

One improvement was an automatic notification system that included written and telephone confirmation of court appearances. "It sounds so simple," says probation director Michael Rohan, "but it helped us." Another change was reducing the time between issuing a summons to a juvenile and his or her court appearance. "When a young person leaves the police station, those who are not detained know that they have to be in court three weeks after their arrest date," says Judge Hibbler. "They're given that date right there by the police department."

In Sacramento County, the wheels of justice also ground slowly for young people who were issued a summons but not detained. In some cases, two months might pass before the Probation Department called an alleged delinquent for an informal interview. County law enforcement officers were particularly concerned about kids who did not qualify for detention under the new eligibility criteria yet needed immediate attention. In response, the Sacramento County Juvenile Justice Initiative established an accelerated intake program, which enabled the Probation Department to respond to such cases in 48 hours.

Another case processing innovation in Sacramento, the Detention Early Resolution (DER) program, applied to youth who were held in juvenile hall for routine delinquency cases. By California statute, detained cases must be adjudicated within 15 days, with disposition ten days later. The day before a trial, the prosecution, defense, and others review the case and often resolve it through plea bargains instead of going to court. What about advancing the pretrial date? asked the county's chief juvenile prosecutor. This would reduce the amount of time kids spend in detention as well as the number of routine cases for which attorneys have to prepare fully.

[4] "Reducing Unnecessary Delay: Innovations in Case Processing," D. Alan Henry, Vol. 5, *Pathways to Juvenile Detention Reform*, Annie E. Casey Foundation.

BEST COPY AVAILABLE

To make the DER program work, a paralegal in the district attorney's office promptly assembles police reports, statements by witnesses, and related evidence, then distributes them. Complete and immediate discovery allows defense attorneys to assess whether charges against their clients are sustainable. The district attorney's office is required to make its best plea offer. And timely probation reports are prepared that enable prosecutors, defenders, and judges to make informed decisions about resolving the case.

Since the adoption of the DER program, the time for routine cases from first court appearance to disposition has been reduced from 25 days to five days. "That has lightened the trial schedule load," says Yvette Woolfolk, Sacramento County project coordinator, "and attorneys are better prepared for the more serious cases that they know are going to trial."

"WHEN AN ARREST FOR AN ALLEGED OFFENSE IS FOLLOWED BY MONTHS OF INACTION BEFORE DISPOSITION, THE JUVENILE WILL FAIL TO SEE THE RELATIONSHIP BETWEEN THE TWO EVENTS. ANY LESSON THAT MIGHT BE LEARNED ABOUT ACCOUNTABILITY AND RESPONSIBILITY IS LOST."

One way that Multnomah County improves case processing and reduces the unnecessary use of detention is through a process called Pretrial Placement Planning. When juveniles charged with delinquent acts are detained, the arresting police officers complete their reports the same day. The following morning, staff from the Department of Community Justice, the county's probation department, distribute police reports, RAI scores, and discovery to the defense attorney and prosecutor. At an 11:30 a.m. meeting that same day, representatives from probation, prosecution, and defense discuss the risks of reoffending or flight posed by the youth and possible detention alternatives. "We never discuss the case," says Rick Jensen. "We only discuss the kid's level of risk and viable options to detention."

At a 1:30 p.m. detention hearing, the Department of Community Justice makes a recommendation for either outright release to a parent or guardian, more structured supervision through a detention alternative program, or secure detention in the county's juvenile home. The district attorney or defense may dissent from the recommendation, but in almost every case the court accepts it. And usually by 3:30 p.m., the alleged delinquent is on his way to the appropriate pretrial placement.

"It couldn't have happened unless the prosecution, the defense, the probation agency, and the judges were willing to work together on a new way of doing business," says Bart Lubow. "And unless they all could see that they all win."

Detention Alternative "Jewels"

A key concept of JDAI is that "detention" is a continuum of supervision — not a building — that ranges from secure custody for dangerous youth to less restrictive options for kids who pose little risk of reoffending or flight. The three basic alternatives to detention are: home confinement with frequent unannounced visits and phone calls by probation officers or surrogates from nonprofit agencies; day reporting centers that provide more intensive oversight and structured activities; and shelters serving runaways, homeless children, and other youth who need 24-hour supervision

In the early 1990s, Chicago — poet Carl Sandburg's "City of the big shoulders" — had one of the largest secure detention facilities in the country but no alternative programming for alleged delinquents. "The decision used to be either you locked them up or you sent them home," says Judge Hibbler.

Today, Cook County has a range of detention alternatives that have reduced overcrowding in the Juvenile Temporary Detention Center and provided a more cost-effective way of preventing kids from getting into trouble before their court appearances. The programs, which include home confinement and shelters, have served more than 10,000 children since 1994. According to the Probation Department of Cook County, the average success rate of these programs — defined as the proportion of juveniles who remain arrest free during their term of placement — is more than 90 percent, with some programs having rates of more than 95 percent.

The "jewel" of Chicago's programs, according to Judge Hibbler, is the evening reporting center, a practical, community-based alternative that focuses on minors who would otherwise be detained for probation violations. Initially implemented by the Westside Association for Community Action (WACA) network, Chicago's six evening reporting centers operate from 3 p.m. to 9 p.m. — hours when working parents are not at home and kids are most likely to get into trouble.

Offering a range of educational and recreational opportunities, the evening reporting centers provide transportation and a meal — both of which are occasions for informal counseling. "One of the things that's missing in the lives of so many youth," says Ernest Jenkins, chief executive officer of the WACA network, "is a meaningful relationship with an adult who really cares and really reaches out and shows that young person that he or she is important."

Chicago's evening reporting centers have served some 3,800 youth, 92 percent of whom were arrest free during their tenure in the program. Paul DeMuro, a former juvenile justice administrator and currently a private consultant, notes the importance of weaving juvenile justice institutions into the fabric of neighborhoods where the youth live. The evening reporting centers, says DeMuro, have been "well accepted by judges and probation and the community."

In downtown Portland, a magnet for runaways and homeless youth, the police were annually arresting some 1,500 juveniles for minor offenses and taking them to the county's detention center. Because they did not meet the state's eligibility criteria for detention, the youth were soon released, wasting the time of police and intake staff, and ignoring the underlying needs of the children.

An imaginative public-private partnership in Multnomah County led to the establishment of the Youth Reception Center at Portland's Central Police Precinct. Operated by New Avenues for Youth, a nonprofit social service agency, the center is open 24 hours per day, seven days a week. "Kids are triaged so their immediate needs such as shelter and food and medical attention and clothing are arranged," says project coordinator Rick Jensen. "Then the following day or so, the youth is provided a case manager to get the kid back home and back into school or treatment."

In Sacramento County, about 80 percent of the young people diverted from secure detention are placed in the Home Supervision Program. Targeting low-risk youth, the program restricts young people to their homes unless accompanied by a parent or guardian. Probation officers make daily visits to ensure compliance with home detention policies. Depending on a variety of factors, moderate-risk youth may be required to wear an ankle bracelet with a tracking transmitter and to remain at home at all times unless granted permission by the court. "Ankle monitoring," says prosecutor Rick Lewkowitz, "is very difficult to violate and not get caught."

One challenge posed by new detention alternatives is the likelihood that they will end up serving kids for whom the programs were not intended — "widening the net" in the jargon of juvenile justice and child welfare reform. One could argue that in an urban environment with many unmet needs and limited resources, a variety of kids could potentially benefit from structured supervision. On the other hand, a community committed to keeping the detention

population within bounds must exercise some discipline in the use of alternatives to secure confinement. "If you open up ten alternative spots, you're never going to get precisely ten reductions in detention," says Paul DeMuro. He believes that six or seven reductions in confinement for every ten new alternative spots is a more realistic expectation.

Conditions: "We've Come A Long Way"

Conditions of confinement in detention centers and the appropriate use of detention alternatives are inextricably linked. Overcrowded detention centers are dangerous and unhealthy places with high rates of injuries to juveniles and staff. In the words of a young woman detained in Sacramento, "When there are too many girls in here, we get all up in each others' faces."

On the other hand, if a jurisdiction can manage its detention population, it is possible to provide professional care for young people who should be locked up. "The kinds of treatment kids get in detention can have an impact on them for a very long period of time, either positively or negatively," says Mark Soler of the Youth Law Center. "There are situations where kids have developed good values or have come into contact with role models in detention. There are situations where they have gotten into educational programs that may be the best they have ever had."

Committed to the belief that jurisdictions have a constitutional obligation to provide reasonable care and custody for detained youth, the Casey Foundation required periodic inspections of its grantees' detention centers by independent assessment teams. "Facilities in the sites remained remarkably open to this ongoing scrutiny and responded by making significant improvements in conditions and institutional practices," writes Susan L. Burrell, an attorney with the Youth Law Center and author of a monograph on conditions of confinement.[5]

At the beginning of JDAI, Multnomah County was under a federal court order for operating a detention facility that did not meet constitutional standards of care. The county replaced the old detention center with an attractive new facility that has a rated capacity of 191 beds. The changes in the Donald E. Long juvenile home, however, were not merely cosmetic. The facility reduced its traditional reliance on locked room time for disruptive youth, some of whom had mental health problems and were almost always isolated behind closed doors. In addition to engaging mental health professionals in special programs for kids with behavioral problems, the detention center enhanced its education programs, improved training for staff, and introduced a behavior management program that rewarded positive behavior by young people.

Perhaps the largest improvements in conditions of confinement were made in Sacramento County's Juvenile Hall. In the early 1990s, the detention center was badly overcrowded, and the staff maintained order by relying heavily on lock downs and pepper spray, a painful chemical agent that causes temporary blindness, choking, and nausea. The detention center's staff members "were at war with their kids," says Paul DeMuro, a member of the Sacramento inspection team.

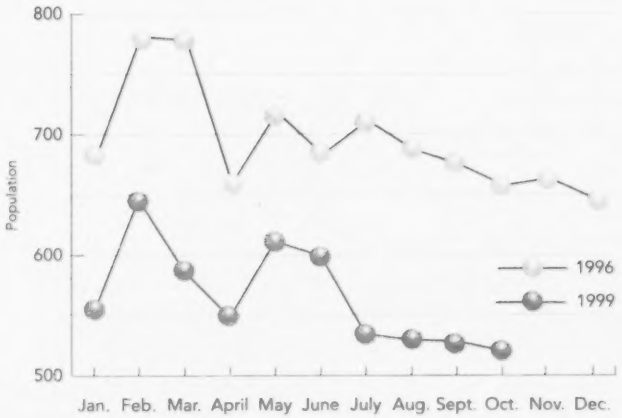
[5] "Improving Conditions of Confinement in Secure Juvenile Detention Centers," Susan L. Burrell, Vol. 6, *Pathways to Juvenile Detention Reform*, Annie E. Casey Foundation.

BY THE NUMBERS

COOK COUNTY JUVENILE TEMPORARY DETENTION CENTER AVERAGE POPULATION, 1996 AND 1999

Although the massive Juvenile Temporary Detention Center in Chicago has a rated capacity of 498 beds, its daily population frequently topped 700 in the mid-1990s. More objective, rational admissions standards, combined with the development of responsible alternative programs, have contributed to substantial reductions in the facility's average daily population.

Source: Cook County Juvenile Probation and Court Services Department



John Rhoads, then superintendent of the facility, clearly recalls the day that DeMuro and Mark Soler of the Youth Law Center made a preliminary report on their findings: "Paul DeMuro started out saying, 'This is a clean and well lit facility, but....' And then they went on to list a host of issues in their minds that we needed to address. My staff and I were taken aback and somewhat angry over this assault on our beautiful institution."

Although temporarily stung by the report, Rhoads and his staff set out to make every improvement that was within their power. There were more than 30 specific issues to address — including meals, mental health services, and educational opportunities — but the underlying problem of the Sacramento County Juvenile Hall was its punitive culture. "Everything," says Rhoads, "was based on negative sanctions."

One element of changing that culture was the adaptation of a behavior modification program developed at New York City's Spofford Juvenile Detention Center. The program, which basically awards points for good behavior and deducts them for bad, enables kids who do well in school, clean their room, and stay out of trouble to redeem their points for sodas, snacks, and other small items and privileges. "All the kids understood it," says Bart Lubow. "And it works."

By retraining staff, increasing mental health resources, and making other changes, Rhoads and his staff were able to turn around Sacramento's Juvenile Hall. "It had really changed from a prison-like environment to a place that was really a youth-oriented facility," says Mark Soler.

The Cook County Juvenile Temporary Detention Center, occupying two adjoining buildings on the west side of Chicago, is a massive facility with a total capacity of 498 beds. After many years of below-capacity operation, the facility consistently began to exceed its rated capacity in the early 1990s, with daily detention populations frequently topping 700. Other problems with the detention center included frequent lock downs and "some hitting of kids," says Paul DeMuro. Because of the facility's size, "the line staff were left to their own devices to do what they wanted to do."

About the time JDAI began its implementation phase, Cook County recruited a new superintendent

for the detention center, Jesse Doyle, a detention reform advocate and a former administrator at Spofford. According to inspections by the Youth Law Center, Cook County made significant improvements in such areas as mental health care, training and supervision of staff, and the physical plant itself. There were also reductions in overcrowding. In 1996 the average daily population at the detention center was 692. For the the first ten months of 1999, that average was 565.

The likelihood that Cook County's detention center has room for further improvement is suggested by a lawsuit filed by the American Civil Liberties Union (ACLU) on June 15, 1999. The lawsuit charges that the facility is overcrowded, understaffed, and chronically mismanaged. The result, the ACLU charges, is "a frightening, punitive, and dangerous environment for youths."

OVERCROWDED DETENTION CENTERS ARE DANGEROUS AND UNHEALTHY PLACES WITH HIGH RATES OF INJURIES TO JUVENILES AND STAFF.

Although the courts will ultimately decide whether the conditions of confinement in Cook County are constitutional, several JDAI consultants and participants from Chicago say that the ACLU lawsuit more accurately reflects the conditions of several years ago, rather than the present. "I think we've come a long way on the conditions," says Michael Mahoney of the John Howard Association.

Disproportionate Confinement: "Limited Success"

A disproportionate number of minority youth are held in secure detention nationwide. African-American children, for example, who constitute about 15 percent of the population under age 18, made up 30 percent of the juvenile cases processed and 45 percent of the cases detained in 1996. "The degree of minority overrepresentation in secure detention far exceeds the rates of minority offending," says Bart Lubow.

The disproportionate confinement of minorities is the cumulative consequence of individual decisions made at each point in the juvenile justice process — from the practices of police officers, who make the first decision about releasing or locking up kids, to the assessments of probation officers, judges, and others who determine the risks posed by a youth. "At each stage of the juvenile justice process, there's a slight empirical bias," says Jeffrey Butts of the Urban Institute. "And the problem is that the slight empirical bias at every stage of decision making accumulates throughout the whole process. By the time you reach the end, you have virtually all minorities in the deep end of the system."

The causes of this bias are often "very subtle," according to NCCD's Barry Krisberg. Many detention decisions, for example, are based on perceptions of the fitness of families and the strengths within communities — perceptions that in some cases may be true and in others false. "If you think there are no assets, your default [decision] will be, 'Well, bring the kid to juvenile hall, and we'll figure out what to do,' " says Krisberg. "If your operating in a community where you think there are a lot of resources, a lot of help, a lot of care, you're going to do something very different."

Although none of the JDAI sites can claim victory over the problem of disproportionate minority confinement, there is evidence of progress. The objective screening measures in Multnomah County, for example, have changed the odds that minority youth who arrive at court intake are more likely to be admitted to secure custody than white children. "Kids of color, particularly black kids, are coming to the doors of our system at higher rates than they should be," says prosecutor Amy Holmes Hehn. "But it appears to us that

PATHWAYS TO JUVENILE DETENTION REFORM

TO DOCUMENT THE INNOVATIONS AND EXPERIENCES OF SITES in the Juvenile Detention Alternatives Initiative, the Annie E. Casey Foundation recently began publishing a series of monographs called ***Pathways to Juvenile Detention Reform.*** Written by administrators, researchers, and other juvenile justice authorities, 11 of the volumes focus on key components of detention reform. A report on replicating the Broward County reforms statewide and a journalist's account of JDAI are also included in the series.

The ***Pathways*** volumes are:

Overview. *The JDAI Story: Building a Better Detention System* by Rochelle Stanfield

1. *Planning for Juvenile Detention Reforms: A Structured Approach* by David Steinhart
2. *Collaboration and Leadership in Juvenile Detention Reform* by Kathleen Feely
3. *Controlling the Front Gates: Effective Admissions Policies and Practices* by Frank Orlando
4. *Consider the Alternatives: Planning and Implementing Detention Alternatives* by Paul DeMuro
5. *Reducing Unnecessary Delay: Innovations in Case Processing* by D. Alan Henry
6. *Improving Conditions of Confinement in Secure Juvenile Detention Centers* by Susan L. Burrell
7. *By the Numbers: The Role of Data and Information in Detention Reform* by Deborah Busch
8. *Ideas and Ideals to Reduce Disproportionate Detention of Minority Youth* by Eleanor Hinton Hoytt and Brenda V. Smith
9. *Special Detention Cases: Strategies for Handling Difficult Populations* by David Steinhart
10. *Changing Roles and Relationships in Detention Reform* by Malcolm Young
11. *Promoting and Sustaining Detention Reforms* by Robert G. Schwartz
12. *Replicating Detention Reform: Lessons From the Florida Detention Initiative* by Donna M. Bishop and Pamala L. Griset

For additional information about the ***Pathways*** series or the Juvenile Detention Alternatives Initiative, contact the
Annie E. Casey Foundation
701 St. Paul Street
Baltimore, MD 21202
phone (410) 547-6600
fax (410) 547-6624
www.aecf.org.

when they get here, the decision making is pretty even handed in terms of bias."

Sacramento County has also made decision making about detention more equitable once young people arrive at juvenile hall. In addition to using objective screening measures for detained youth, the Sacramento Juvenile Justice Initiative instituted training programs to help eliminate personal and institutional bias in decision making. "There is no longer that growing impact on minority youth going through our system," says Gerry Root, director of planning and public information for Sacramento Superior Court. "It's no longer a cumulative effect at each decision point through our system."

The difficulty that officials, agencies, and communities have in frankly addressing the issue of disproportionate minority confinement would be hard to overestimate. The combustible mixture of race, crime, and justice makes the topic a discomforting one that many people would rather not discuss. Yet participants in all of the JDAI sites are convinced that such dialogue is essential. "What you have to do, and we've had limited success," says Michael Rohan of Cook County, "is challenge every policy and every program by virtue of open discussion. Is there any inadvertent or inherent bias [in the system]?"

BEST COPY AVAILABLE

"The Big Picture"

One of the major challenges of JDAI — or any initiative aimed at reforming a complex public system — is sustaining the collaboration of agencies and individuals that is essential to success. Collaboration is time consuming, and individual agencies often cede a measure of their own discretion in the interest of the common good. "There are a lot of down sides [to collaboration] if you are just looking at it from a very narrow view," says Sacramento County prosecutor Rick Lewkowitz. "But in terms of the big picture, everybody benefits. The system benefits, and the kids and public benefit."

The challenge of leadership — which in a collaborative environment is less about being the boss and more about presenting a vision, keeping people focused, and moving forward — becomes particularly acute as members of JDAI governing bodies naturally rotate on and off over time. Chicago's Michael Rohan says he is particularly proud that the reform effort was "not driven by one personality or one force. It's pretty much shared values throughout our juvenile justice system. That's what's made it work."

For public defender Ingrid Swenson and her colleagues in Multnomah County, institutionalizing detention reform — "to make it part of the way we do business" — has been a major goal. "For the most part, I think that has happened," she says.

One setback for Multnomah County was statewide legislation that made it mandatory for youth charged with some 20 different offenses to be tried as adults and to be detained automatically for approximately 100 days before trial. Although these juveniles could not be released to a parent or an alternative program, Multnomah County has applied its screening instrument to them and found that many posed little risk of flight or reoffending. Reflecting on Oregon and other states, Judge Orlando says: "We're still detaining a lot of kids around the country based on legislative mandates, as opposed to what data and research prove is more effective and saves the public a lot of money."

Perhaps the biggest challenge of JDAI was the simple reality that in the 1990s encouraging rational debate about detention policy and practice was to invite charges of being "soft on crime." In his 1996 book *Killer Kids*, New York City juvenile prosecutor Peter Reinharz made the absurd accusation that JDAI "is designed to ensure that every offender has the maximum opportunity to victimize New York." And in Sacramento, a local television news reporter found it troubling that JDAI opposed the "inappropriate use of juvenile detention."

Such comments reflected a public policy and media environment that was extremely hostile to juvenile justice reform. Although juvenile crime, including violent crime, has been declining since 1993, the juvenile justice system has been subjected to unprecedented attacks, particularly for its alleged inability to cope with a new generation of so-called "superpredators." Helping to demonize young people, particularly children of color, and to persuade lawmakers to pass increasingly harsh juvenile justice legislation, the superpredator turned out to be a mythological creature. "[I]t is clear," write the authors of *Juvenile Offenders and Victims: 1999 National Report*, "that national crime and arrest statistics provide no evidence for a new breed of juvenile superpredator."

In Chicago, Portland, and Sacramento, the juvenile justice agencies have come together to deal with the real issues in detention — community safety, objective appraisals of the risks posed by alleged delinquents, a range of alternatives to meet their varying supervision needs, and the most effective use of limited public resources. "We need to make sure we are intervening appropriately with the right kids at the right level," says Amy Holmes Hehn. "And we need to try to use data to drive that decision making, rather than just whim or emotion or gut reaction."

Bill Rust is the editor of ADVOCASEY.

The Annie E. Casey Foundation
701 St. Paul Street
Baltimore, Maryland 21202
Phone: 410.547.6600
Fax: 410.547.6624
www.aecf.org

ADVOCASEY *is published by the Annie E. Casey Foundation's Office of External Affairs. Material may be reprinted with appropriate acknowledgment. Articles are also available online at www.aecf.org.*

The Annie E. Casey Foundation is a private charitable organization dedicated to helping build better futures for disadvantaged children in the United States. The primary mission of the Foundation is to foster public policies, human-service reforms, and community supports that more effectively meet the needs of today's vulnerable children and families. In pursuit of this goal, the Foundation makes grants that help states, cities, and neighborhoods fashion more innovative, cost-effective responses to these needs.

The Annie E. Casey Foundation was established in 1948 by Jim Casey, one of the founders of United Parcel Service, and his siblings, who named the Foundation in honor of their mother.

Art Direction/Design: Kathryn Shagas
Charts: Joanne Cooper, Kathryn Shagas
Illustration: David Suter
Photography: Bill Denison

BEST COPY AVAILABLE